

EXHIBIT B

1 THE HONORABLE RONALD B. LEIGHTON

2
3
4 IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

5 STORMANS, INCORPORATED, et al.,

Civil Action No. C07-5374

6 Plaintiffs,

7 vs.

8 MARY SELECKY, Secretary of the
9 Washington State Department of Health,
et al.,

**DECLARATION OF TIMOTHY
W. LYNCH**

10 Defendants,

11 and

12 JUDITH BILLINGS, et al.,

13 Intervenor.

14
15 I, Timothy W. Lynch, make the following Declaration under penalty of
16 perjury and pursuant to 28 U.S.C. §1746:

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18 1. I serve as the Regional Director, Pharmaceutical Services, for Franciscan
19 Health System ("FHS"), 1717 South J Street, Tacoma, Washington 98405. I have
20 served in this role since December 2009. Prior to assuming the director role, I
21 held the position of Operations Manager for St. Joseph Medical Center (2007 -
22 2009) and Operations Manager for St. Francis Hospital (2000 – 2007).

23
24 2. FHS is a nonprofit Washington corporation that owns and operates four
25 acute care hospitals, one critical access hospital, and numerous other health care
26 related operations. FHS was founded by the Sisters of St. Francis in 1891 and
27 has served as a Catholic health system since that time.

1 3. FHS currently operates nine pharmacies, five inpatient hospital
2 pharmacies (one in each of its hospitals) and four outpatient retail pharmacies.
3 All of FHS's pharmacies are located in the State of Washington.

4 4. As Regional Director, Pharmaceutical Services, my duties include
5 operational oversight over all pharmacy related services, ensuring the provision
6 of high quality, patient centric care. I have knowledge of and am familiar with
7 FHS's hospital and retail pharmacies' policies and procedures.
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9 5. As a Catholic health system, FHS, including its pharmacy operations,
10 complies with the Ethical and Religious Directives for Catholic Health Care
11 Services ("ERDs"), which may be found at:
12 <http://www.ncbcenter.org/document.doc?id=147>.
13

14 6. Directive No. 45 of the ERDs prohibits the provision of abortion services,
15 providing in pertinent part that, "Abortion (that is, the directly intended
16 termination of pregnancy before viability or the directly intended destruction of a
17 viable fetus) is never permitted. Every procedure whose sole immediate effect is
18 the termination of pregnancy before viability is an abortion, which, in its moral
19 context, includes the interval between conception and implantation of the
20 embryo. Catholic health care institutions are not to provide abortion services,
21 even based upon the principle of material cooperation."
22

23 7. Based on the ERDs and currently available information on the mechanism
24 of action of levonorgestrel (Plan B) and ulipristal acetate (Ella), FHS does not
25 stock or dispense ulipristal acetate (Ella) in any of its retail pharmacies.
26


27 Additionally, while FHS's inpatient hospital pharmacies stock and dispense

1 levonorgestrel (Plan B), they may do so only in connection with the treatment of
2 sexual assault victims following a determination that conception has not
3 occurred.

4 8. FHS's outpatient retail pharmacies do not stock levonorgestrel (Plan B) or
5 ulipristal acetate (Ella). Prior to executing this declaration, a check was run on
6 all retail pharmacy accounts within the FHS system and no sale or purchase of
7 levonorgestrel (Plan B) or ulipristal acetate (Ella) was found.
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9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on this 6 of December, 2011

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13 _____

14 Timothy W. Lynch
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